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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,737	04/21/2004	Leo M. Pedlow JR.	SNY-T5709.02	5488
24337 7590 01/24/2007 MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			EXAMINER FIELDS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2137	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/24/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/828,737

Applicant(s)

PEDLOW ET AL.

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>30 October 2006</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1,9,15,19,24,32,38, and 42 have been amended.
2. Claims 1-46 are pending.

### ***Information Disclosure Statement***

3. The Information Disclosure Statements respectfully submitted on 30 October 2006 has been considered by the Examiner.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1,9,15,19,24,32,38, and 42 have been considered but are moot in view of the new ground(s) of rejection, Gaydos et al. (Pub No. 2004/0267602).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (US Patent No. 7,039,938) in view of Gaydos et al. (Pub No. 2004/0267602).

Referring to claims 1,19,24, and 38, Candelore discloses a video on demand method, system, and apparatus comprising:

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processing content to be delivered in a VOD method by selecting first portions of the content for encryption under a selective encryption system and selecting second portions of the content to remain unencrypted (See Column 5, lines 7-20)

storing the first portions (See Column 5, lines 21-41)

storing second portions (See Column 5, lines 21-41)

receiving a request for delivery of the content, and determining that the request is from a terminal having decryption capabilities associated with a first decryption method (See Column 5, lines 42-67, Column 6, lines 1-7)

encrypting the first portions using a bulk encryption process to produce encrypted first portions (See Column 6, lines 7-20)

storing the encrypted first portions in a buffer (See Column 6, lines 21-49)

queuing the second portions for delivery to the terminal (See Column 6, lines 21-49)

and assembling a stream of selectively encrypted content from the encrypted first portions and the second portions (See Column 6, lines 21-49)

However, Candlore does not teach nor disclose performing encryption until the capabilities of the receiving station are determined. Gaydos et al. discloses a session based encryption of video on demand, wherein after receiving the request for delivery of the content, the session router will determine if the request is from the terminal having decryption capabilities. After the request is received, the content is encrypted. (See Pages 2-3, Sections 0031-0038)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Candelore's video on demand method with Gaydos et al.'s session based encryption video on demand content. Motivation for such an implementation would enable the delivery of data requests and delivery of content to be handled in an asymmetric manner, wherein the retrieved content is processed with decryption capabilities and with more bandwidth devoted to each video on demand session. (See Abstract and Page 1, Section 0012)

Referring to claims 2,20,25 and 43, (Candelore as modified by Gaydos et al.) discloses the claimed limitation wherein the first portions are stored in a first file and the second portions are stored in a second file (See Column 7, lines 31-56)

Referring to claims 3,10,26 and 33, (Candelore as modified by Gaydos et al.) discloses the claimed limitation wherein the first and second files are stored in a VOD server (See Column 6, lines 21-49)

Referring to claims 4,11,16,21,27,34 and 39, (Candelore as modified by Gaydos et al.) discloses the claimed limitation wherein streaming the selectively encrypted content to the terminal (See Column 6, lines 21-49)

Referring to claims 5,12,17,28 and 40, Candelore discloses the claimed limitation wherein the decryption method comprises a legacy encryption method (See Column 5, lines 7-20)

Referring to claims 6,13,18,29 and 41, (Candelore as modified by Gaydos et al.) discloses the claimed limitation wherein the decryption method comprises a non-legacy encryption method (See Column 5, lines 7-20)

Referring to claims 7 and 30, (Candelore as modified by Gaydos et al.) discloses the claimed limitation wherein the first and second portions are stored in a VOD server (See Column 5, lines 64-67, Column 6, lines 1-20)

Referring to claims 8,14,31 and 37, (Candelore as modified by Gaydos et al.) discloses the claimed limitation wherein carried out under control of a programmed processor (See Column 7, lines 4-7)

Referring to claims 9,15,32, and 42, Candelore discloses a video on demand method, system, and apparatus comprising:

processing content to be delivered in a VOD method by selecting first portions of the content for encryption under a selective encryption system and selecting second portions of the content to remain unencrypted (See Column 5, lines 7-20)

storing the first portions in a first file (See Column 5, lines 21-41)

storing second portions in a second file (See Column 5, lines 21-41)

receiving a request for delivery of the content, and determining that the request is from a terminal having decryption capabilities associated with a first decryption method (See Column 5, lines 42-67, Column 6, lines 1-7)

delivering the first portions to an encrypter for encryption using a bulk encryption process to produce encrypted first portions (See Column 6, lines 7-20)

receiving and storing the encrypted first portions in a buffer (See Column 6, lines 21-49)

queuing the second portions for delivery to the terminal (See Column 6, lines 21-49)

and assembling a stream of selectively encrypted content from the encrypted first portions and the second portions (See Column 6, lines 21-49)

portions and the second portions (See Column 6, lines 21-49)

However, Candlore does not teach nor disclose performing encryption until the capabilities of the receiving station are determined. Gaydos et al. discloses a session based encryption of video on demand, wherein after receiving the request for delivery of the content, the session router will determine if the request is from the terminal having decryption capabilities. After the request is received, the content is encrypted. (See Pages 2-3, Sections 0031-0038)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Candelore's video on demand method with Gaydos et al.'s session based encryption video on demand content. Motivation for such an implementation would enable the delivery of data requests and delivery of content to be handled in an asymmetric manner, wherein the retrieved content is processed with decryption capabilities and with more bandwidth devoted to each video on demand session. (See Abstract and Page 1, Section 0012)

Referring to claims 22,35 and 45, (Candelore as modified by Gaydos et al.) discloses the claimed limitation wherein the encrypter encrypts using a legacy encryption method (See Column 5, lines 7-20)

Referring to claims 23,36 and 46, (Candelore as modified by Gaydos et al.) discloses the claimed limitation wherein the encrypter encrypts using a non-legacy encryption method (See Column 5, lines 7-20)

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cdi

January 20, 2007

*Matthew B. Smithers*  
Matthew Smithers  
Primary Examiner  
Art Unit 2137